

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TAIVEON POLK-DIXON and
JAMAIRIAZ POLK-DIXON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SHALOAM ROZELL-MARIE POLK,

Respondent-Appellant.

UNPUBLISHED

August 21, 2008

No. 284078

Calhoun Circuit Court

Family Division

LC No. 04-000299-NA

Before: Cavanagh, P.J. and Jansen and Kelly, JJ.

MEMORANDUM.

Respondent appeals by right the family court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i).¹ We affirm. This appeal has been decided without oral argument. MCR 7.214(E).

The family court did not err by finding that the statutory ground for termination was established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The children were initially taken into custody due to respondent's prior terminations and the fact that respondent did not have suitable housing or income. Respondent's circumstances did not improve. She did not have stable housing and admitted to living in no fewer than three different homes during the pendency of this case. The same was true for respondent's employment situation. She had several different short-term jobs in little more than a year and was unemployed at the time of termination. While respondent initially made progress, she began to fall out of compliance with the terms of her service plan after the younger child's birth. She completed parenting classes only after three referrals, she missed appointments with her parent aide, and she was deceptive with the workers who were trying to

¹ Respondent was previously before this Court in *In re Polk*, unpublished memorandum opinion of the Court of Appeals, issued August 4, 2005 (Docket No. 259805), wherein we affirmed the family court order terminating her parental rights to two other children.

help her. While respondent may have ultimately completed some aspects of the parent-agency agreement, it was clear that she did not benefit from the services.

Having found the foregoing statutory ground for termination established by clear and convincing evidence,² the family court was obligated to terminate respondent's parental rights unless it appeared, on the whole record, that termination was clearly contrary to the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). The evidence demonstrated that the visits between respondent and the older child were extremely stressful for both parties. No one blamed respondent for this, as there was no particular conduct on her part that appeared to cause the child's misbehavior. But professionals who observed the visits noted that respondent did not have the ability to soothe or properly parent the child. Both children had been in foster care since their births and were thriving. They were entitled to permanence and stability. Respondent, through her conduct in this case as well as her history, failed to demonstrate an ability to maintain an environment conducive to raising children. The evidence in this case established that termination was not clearly contrary to the children's best interests. MCL 712A.19b(5).

Affirmed.

/s/ Mark J. Cavanagh

/s/ Kathleen Jansen

/s/ Kirsten Frank Kelly

² We note that even if the ground for termination contained in MCL 712A.19b(3)(c)(i) had not been established in this case, respondent's parental rights to other children had been previously terminated and there was accordingly clear and convincing evidence to establish the ground for termination contained in MCL 712A.19b(3)(l).